

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

ADAM MORGAN

PLAINTIFF

v.

3:05CV00176 JTR

JO ANNE B. BARNHART,  
Commissioner, Social  
Security Administration

DEFENDANT

**ORDER**

Defendant has filed a Motion to Remand this case pursuant to sentence four of 42 U.S.C. § 405(g) (1995):

The court shall have the power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.

The Commissioner seeks remand for further development of the record and to issue a new decision. Plaintiff promptly replied that he has no objection to the requested remand. (Docket entry #14.) Under the circumstances, a sentence four remand is appropriate. *Buckner v. Apfel*, 213 F.3d 1006, 1010-11 (8th Cir. 2000).

IT IS THEREFORE ORDERED that Defendant's motion to remand (docket entry #12) is hereby GRANTED. All other pending motions are hereby rendered moot. This is a "sentence four" remand. This dismissal is without prejudice to Plaintiff's subsequent filing for attorney's fees under the Equal Access to Justice Act.

DATED this 21<sup>st</sup> day of September, 2006.

  
UNITED STATES MAGISTRATE JUDGE